

8/23/21

**MINUTES MEETING  
Town of Halfmoon Planning Board  
August 23, 2021**

**Those present at the August 23, 2021 Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
John Higgins  
Tom Koval  
Rich Berkowitz  
Thomas Werner  
Mike Ziobrowski

**Planning Board Alternates:**

Charlie Lucia  
Brendan Nielsen-absent

**Coordinator- Building, Planning and Development:**

Richard Harris

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison(s):**

John Wasielewski  
Eric Catricala

**Town Engineer:**

Joel Bianchi

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***Chairman Don Roberts opened The Planning Board Meeting at 7:00 pm***

**Don Roberts:** Good evening, I would like to call the meeting to order, have the Board members had a chance to review the minutes from the last meeting?

**Tom Berkowitz:** I make a motion to approve the minutes.

**Mike Ziobrowski:** I'll second it.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

**Public Hearing(s)**

**21.117 Lands of Crowther Duplex, 752 Hudson River Rd – Special Use**

**Don Roberts:** Would anyone like the notice read? (No comments) Go ahead Duane.

**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates here representing David Crowthers for a special use permit to construct a 2 family duplex at 752 Hudson River road. The parcel is vacant and was created by an approved subdivision back in 2014. The proposed duplex will tie in to the existing public water and public sewer that runs along 4 & 32. The duplex will have, there's a duplex there, this is the parcel, we'll have an ingress, egress easement to utilize the existing curb cut for the applicants existing house now. The parcel is in the waterfront mixed use zone, where there are a mixture of different uses in the area. The duplex parcel is surrounded on the south by the Halfmoon Fire Department here, up here is the railroad track and the mining operation here on the north by the applicant's house, and across the road is a vacant parcel which does have limited developmental potential because of environmental constraints. There is an existing duplex about a 1000 feet south of this parcel and also a duplex about 1000 feet north of this parcel, and that is our proposal before the Board tonight.

**Don Roberts:** Okay thank you Duane, at this time we will open up the public hearing would anyone from the public wish to speak if so please come up and say your name and any comment you may have, anyone wish to speak? (No comments) anyone online wish to speak on this matter? Anyone online wish to speak on this matter? (No comments) okay seeing as no one wishes to speak we will close the public hearing, have we heard from the County?

**Paul Marlow:** Yes, they are okay with everything.

**Don Roberts:** Okay, comments from the Board.

**Mike Ziobrowski:** Minor comment but the driveway that's on, looks north to the dwelling is that going to be removed? I can't quite read it on our map.

**Duane Rabideau:** Well this is where the proposed duplex is going to go on this lot here, the applicant lives here that's his driveway, so it will be a common, ingress, egress to use this that was created when the subdivision was approved in 2014.

**Mike Ziobrowski:** Okay so that whole driveway goes through his entire lot?

**Duane Rabideau:** That's correct, at this point in time there is a garage or a barn back here and the intent at some point in time is to move this portion of the driveway onto his lot up to here to get to the structure in the back

**Tom Koval:** He's maintaining ownership of both parcels?

**Duane Rabideau:** That's correct.

8/23/21

**Mike Ziobrowski:** He is driving through his own property

**Tom Koval:** I make a negative declaration to SEQR

**John Higgins:** I second.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

**Tom Koval:** I make a motion to approve the subdivision

**Joh Higgins:** Ill second it.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set

**Duane Rabideau:** Thank you

**Don Roberts:** You're welcome

*Lands of Crowther Duplex – Special Use*

*APPROVED. The Board held a Public Hearing and approved the proposed duplex at 752 Hudson River Road.*

21.119/21.120/21.121

Case Paving/Richard's Paving & Fuels, 860 Hudson River Rd – Change of Use Tenant, Special Use Permit & Sign

**Richard Hughes:** Richard Hughes Im the owner of Case Paving DBA Richards Paving & Fuels

**Don Roberts:** Please explain what you wish to do please

**Richard Hughes:** Basically Im going to have my paving company set up at the new facility here , and my fuel is stationary basically we just have a fuel truck that we add the fuel onto , but we don't have any storage tanks or any bulk facilities as far as that goes.

**Don Roberts:** that's it?

**Richard Hughes:** It's pretty much it just our equipment and our trucks and it's pretty straight forward.

**Don Roberts:** At this time we will open the public hearing, would anyone in the room like to speak? (No comments) would anyone online like to speak? (No comments) since no one wishes to speak we will close the public hearing, comments by the Board?

**John Higgins:** How many gallons of fuel are you going to have on the site, not in trucks but in tanks?

**Richard Hughes:** The only tank that we have there is just a 500 gallon skid tank that we use for on-road diesel for the trucks.

**John Higgins:** Okay and that's the max?

8/23/21

**Richard Hughes:** That's the max

**John Higgins:** And as far as trucks, just a single truck or number of trucks?

**Richard Hughes:** No we've got one fuel truck, one Fuel truck, one fuel truck it's a 2800, two compartment.

**John Higgins:** Okay and that is licensed for the road?

**Richard Hughes:** Correct

**John Higgins:** Okay so you only stay

**Richard Hughes:** We deliver fuel to homeowners everything it's a big truck

**John Higgins:** Right but Im just making sure you understand that if for some reason you want to put another truck there that is not licensed for the road you wouldn't be able to.

**Richard Hughes:** Okay

**Don Roberts:** Your sign there is going to be a 3x 10 ft. sign on the building right?

**Richard Hughes:** The sign is actually already out front it's been there for 20 years since Alco owned the facility it's a white sign its already there , it's just there is no lettering on it now we are going to use the same sign just re-letter it up with our name

**Don Roberts:** Okay will it be lit or no?

**Richard Hughes:** Im not sure if it is a lit up sign or not

**Tom Koval:** Not internally lit, you're changing your panels on it

**Richard Hughes:** Right there is just white panels on it now we are going change them to our design

**Don Roberts:** No have we heard from the County on this one.

**Richard Harris:** No significant County-wide impact

**Don Roberts:** Okay thank you, anyone else?

**Tom Koval:** I make a motion to approve with the condition there is no dumping onsite of asphalt

**Richard Hughes:** Yea we don't dump anything onsite.

**Tom Koval:** This is just a condition on our part

**Richard Hughes:** Okay, no problem, no problem at all

8/23/21

**Rich Berkowitz:** Ill second

**Tom Koval:** I'll make a motion to approve the change in the sign panels

**Mike Ziobrowski:** Ill second

**Tom Koval:** I'll make a motion to approve the special use

**Mike Ziobrowski:** Ill second

**Don Roberts:** We've got three motions and three seconds on this okay. All in favor of the three motions, aye? (All in favor) Opposed? (None were opposed) Motion carried, thank you.

**Richard Hughes:** Thank you.

**Don Roberts:** Please advertise Halfmoon right?

**Richard Hughes:** Oh yea.

**Don Roberts:** Thank you.

*Case Paving/Richard's Paving & Fuels– Change of Use Tenant, Special Use Permit & Sign - APPROVED. The Board held a Public Hearing and approved the proposed paving and fuel supply business in the existing 7,000 SF building at 860 Hudson River Road, with a condition prohibiting the dumping and storage of asphalt onsite.*

**21.124 & 21.125**

**Rockwood Lot Line Adjustment, 1460 & 1460A Crescent Vischer Ferry Rd – Minor Subdivision & Special Use Permit (21.124 & 21.125)**

**Sophia Maruso:** Good evening Im Sophia Maruso here with Plan and Site Consulting we are representing our clients and applicants Glenn and Deborah Rockwood tonight. We're here as a part 2 to the initial introduction to this project that we proposed in the late July meeting so we are here seeking the public hearing component of the review. Tonight we are proposing a lot line adjustment that would consist of a minor change, basically an exchange of a 10<sup>th</sup> of an acre between the two parcels at 1460A & 1460 Crescent Vischer Ferry Road. The resulting configuration would result in the allocation a more equal allocation of the road frontage. These parcels were subdivided a number of years ago we think mid 90's at the time of the construction of the two affiliated single family residences. This was done in accordance to the flag lot provision, so this is the same provision under which we assume would be reviewed. The resulting configuration of the lots still well exceeds the minimum lot size requirements for this zone which is C-1 with the small business redevelopment overlay district would require a 45,000 sq. ft. minimum lot size requirement. Both of these lots are currently proposed in the absence of public utilities which is the bulk standard that we are referring to tonight. The special use permit is being pursued for the continuation of the existing single family use of the property. There are no proposed expansions, no proposed construction or any physical earth work proposed at either of these sites. I'd be happy to answer any questions that you have.

**Don Roberts:** Okay thank you, we will do the public hearing first. At this time we will open the public hearing would anyone in the room like to speak? (No comments) would anyone online like to speak? (No

8/23/21

comments) since no one wishes to speak we will close the public hearing. Once again have we heard from County, County has no problem?

**Richard Harris:** Correct, they raised a concern about the existing addresses being an A and non A just a comment and also wanted to just make sure that there is cross access easements for the driveway which Sophia did provide to us a few days ago.

**Don Roberts:** Okay, thank you, comments by the Board?

**Tom Koval:** Even though this is zoned commercial I still like to see more residential on this road, it's a tough road as it is and the less traffic we have on it the better.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** I make a motion to have a negative declaration with SEQR.

**Marcel Nadeau:** I second it.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

**Rich Berkowitz:** I make a motion to approve the minor subdivision and special use permit.

**Marcel Nadeau:** Ill second.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set

**Sophia Maruso:** Thank you so much for your time.

**Don Roberts:** Your welcome, take care

**Sophia Maruso:** Thank you.

***Rockwood Lot Line Adjustment– Minor Subdivision & Special Use Permit -APPROVED. The Board held a Public Hearing and approved the proposed Minor Subdivision (lot line adjustment) between two existing residential parcels at 1460 & 1460a Crescent Vischer Ferry Road.***

**New Business:**

**21.151                    On the Move Health & Fitness, LLC, 217 Guideboard Road (Country Dollar Plaza) – Sign**

**Michael Sheldon:** How are you guys, Michael Sheldon the owner, Im representing On the Move Health & Fitness. That's the new sign that is going up, what do you think? It's pretty nice sign right.

**Don Roberts:** Really nice, yea.

8/23/21

**Richard Harris:** There was an existing sign structure over the building right now.

**Tom Koval:** I like your choice in colors

**Don Roberts:** It meets Town code, any questions by the Board? (No comments)

**Tom Koval:** I'll make a motion to approve the new sign.

**Marcel Nadeau:** Ill second it

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck

**Michael Sheldon:** Thank you.

*On the Move Health & Fitness, LLC- (Country Dollar Plaza) – Sign  
APPROVED. Board approved new wall-mounted signage to reflect the recently approved tenant name.*

**21.154                    Hines Lot Line Adjustment, 20 & 22 Chateau Subdivision – Minor Subdivision**

**John Hines:** Good evening Im John Hines Im the owner of 20 Chateau Drive , my neighbor and I Mike Wolanski the owner of 22 we're just looking to adjust our lot line between the two houses. One of my sprinkler heads is on his lawn and one of his bushes is on mine so we are just trying to straighten it out. When the builder actually built it originally so I think it's about 480 sq. ft. the difference, it's going to still maintain residential suburban law no major changes.

**Don Roberts:** Okay questions by the Board?

**Rich Berkowitz:** I make a motion to set a public hearing for September 27<sup>th</sup>.

**Marcel Nadeau:** Ill second that.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you on the 27<sup>th</sup>.

**John Hines:** Thank you.

*Hines Lot Line Adjustment, – Minor Subdivision  
PUBLIC HEARING SET. Board received a presentation requesting a Minor Subdivision (lot line adjustment) between two parcels and set a Public Hearing for September 27, 2021.*

**21.096                    Halfmoon Sunoco – Generator, 325 Rt. 146 – Site Plan**

**Bruce Tanski:** Bruce Tanski Clifton Park. I'd like to be able to put a generator at my gas station. The generator there is not working that's why we are here.

**Don Roberts:** Questions by the Board?

8/23/21

**John Higgins:** Did you say we had a spec sheet on this generator

**Richard Harris:** Yes we do

**John Higgins:** Okay could I see it or could you just hand it down please

**Don Roberts:** You said right now the generator is not working?

**Bruce Tanski:** No, once we found we needed a permit we stopped.

**Don Roberts:** Good, thank you.

**Tom Koval:** This whole generator thing was kind of my idea, for requiring for commercial generators and I do appreciate the fact that you bought the quiet enclosure without knowing that you had to have a permit for it, that's our idea behind all this so the neighbors aren't bothered by it.

**Bruce Tanski:** Well I knew that was going to be a concern especially after the discussions you've had with other developers on generators

**Tom Koval:** So now in the future you know that if you do a generator you've got to come and get a permit and put it before us ahead of time but you did the right thing.

**Bruce Tanski:** I think the Board should be cognizant of the fact that we tried at least a half a dozen times to get a permit but we couldn't find the application to do the permit so maybe something has to be adjusted at least that's what Tamara told me.

**Tom Koval:** We've had a permit for a generator for quite a while.

**Richard Harris:** We have a line for other permits you just write it in. It's pretty easy

**Don Roberts:** John this is your area of expertise, any comments?

**John Higgins:** Yea the one you are proposing Bruce isn't critical there is a quieter one, did you already purchase this?

**Bruce Tanski:** Yes

**John Higgins:** Okay

**Bruce Tanski:** It's a 65kw it's not real loud anyways

**John Higgins:** Well the trouble is we've gotten complaints from neighbors before, that's why Tom proposed that originally but, there is a quieter one but its 70 b difference but since you already purchased it that should be sufficient.

8/23/21

**Tom Koval:** That's far enough away from all of the residents, if it was closer we would have to look at it a little closer

**John Higgins:** Yea the residents are on the back road there

**Tom Koval:** Its fine, he knows now that in the future we do have a pre-approval process for it

**Rich Berkowitz:** I make a motion to approve the site plan amendment

**Tom Werner:** Ill second

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set

*Halfmoon Sunoco – Generator– Site Plan*

**APPROVED.** Board approved an application for a proposed generator at the existing Sunoco location at 325 Route 146.

**21.148**                    **Hoffman Car Wash, 1589 Rt. 9 - Amendment to Site Plan**

**Jason Dell:** Good evening Im Jason Dell an Engineer with Lansing Engineering here on behalf of the applicant for the Hoffman Carwash site plan this project was before the Board about a year ago for a re-approval and since that time we have revised the plan. The original plan and the approved plan has the access coming to the south and connecting to what was previously the speed way site plan and accessing the road , however the access agreement that was in place between the former owner and the new owner is no longer adheared to or I guess followed by the new owner of the speedway or the 7-11, so subsequently we've revised the site plan and basically mirrored the site plan , mirrored the building , parking and the access on the site to flip it to basically 180 degrees so we now have access off of route 9 across the street from the gas station that's on the western side of route 9. So we have reached out to DOT with this site plan, Rich was included on the correspondence between myself and DOT and they do agree with our proposed location and the access , obviously we will need to apply for the formal permit , come time for the construction , however they do agree in principal with the location. As far as engineering goes the grading will be very similar, the stormwater management will be very similar. Water and sewer will be provided by the County and the Town so in essence what we really truly are looking to do is just mirror the site from one side to the other. So with that Ill open it up to any questions you folks may have.

**Don Roberts:** Before we go much farther I would like to refer to Clough Harbor, since they were the engineers that first reviewed this just to make sure everything is alright, that being said comments by the Board?

**Marcel Nadeau:** I have a question for Lyn, wasn't the original proposal on the gas station initially that the Planning Board, require that there was an access between the two? And where do we stand on that?

**Lyn Murphy:** So what happened, when it was Hess, they agreed to allow access across their property for a period of time for like if you construct in the next 10 years then you can have access, that time has expired, and so we, the Town certainly doesn't have a way to take the property or good cause to take the property and the ability to access what they promised the Town had a sunlight clause so that has since expired, by far, by a long time, 1999. And then they switched ownership because the Hess people were like you know don't worry about it it's not going to be an issue but then they sold it to Speedway and Speedway is like if you don't have an easement you're not accessing.

**Marcel Nadeau:** Okay

**Tom Koval:** I feel better with the entrance further north , I've exited that Speedway several times , it's a confusing light at times, and then if you tie in another entrance coming from the north into that intersection , I granted it's an intersection its light controlled but it's always a mish mash trying to get out of that Speedway, I think this is a better fit , you have the break from the light but you can still go you're not stacking in Speedways lot you don't get a lot of people cross trafficking , I actually like this better than I like the original layout. When this came in front of us a year or 2, 3 years ago I didn't like the whole idea of accessing Speedways lot , because internally it's not controlled by any light it might be controlled at the intersection but internally it's not controlled and I thought it was going to be a mess.

**Don Roberts:** Anyone else.

**Mike Ziobrowski:** Jason did this have the glycol heated mats on it correct for the, I thought coming into the car wash didn't you have

**Jason Dell:** Yes it was heated at the other entrance, correct?

**Tom Koval:** The exit

**Jason Dell:** the exit of the car wash?

**Marty Andrews:** The exit of the car wash yes will be a heated concrete pad, the drawing is not showing any of that

**Jason Dell:** Yes the exit will have a heated pad leaving

**Mike Ziobrowski:** So it won't build up ice and so for the it's a lot safer being right adjacent to the roadway.

**Jason Dell:** That's correct, the way we had it previously designed was that it all drains down to a catch basin in the idle of it as well and is collected.

**John Higgins:** Is there a turn lane on Route 9 at that point where you are proposing to have your entrance and exit?

**Jason Dell:** Yes if you go to the aerial...

**Tom Werner:** Yes there is a two way median lane there.

**John Higgins:** Sorry but I couldn't read it on your drawings.

**Don Roberts:** anyone else? John?

**John Wasielewski:** Mr. Chairman, you said you wanted to refer this to CHA, did you mean MJ?

8/23/21

**Don Roberts:** Clough had this originally, that's why, and I know I was confused at first also but yea that's why, no insult to Joel, anyone else? (No comments) Okay we will refer it to Clough Harbor and we'll get back to you alright.

**Jason Dell:** Thank you

**Don Roberts:** Thank you.

*Hoffman Car Wash - Amendment to Site Plan*

**TABLED/REFERRED TO AGENCIES.** Board received a presentation on the revised Hoffman's Carwash site plan and referred it to the necessary agencies and Town Engineer for review.

**21.150**                    **Crescent Commons PDD, 1471 & 1475 Route 9 – PDD Recommendation**

*Lyn Murphy recused herself*

**Richard Harris:** I just want to mention the Board members in your packet got a copy of the applicants full packet , what I have up on the screen will look a little different , it's a little more simplified. The applicants provided it today for purposes of I think easier explanation than a 20 page packet, but you have the full packet and maps for your review.

**Don Roberts:** Thank you, go ahead Joe

**Joe Dannible:** Good evening Joe Dannible with Environmental Design Partnership here on behalf of MRK Real Property and their application for a planned development district. We have a project here that we are pretty excited about, we're hoping the Town is pretty excited about as well this is located right near the southern entrance to the Town of Halfmoon. We're looking at one of the first major redevelopment projects within this corridor and hopefully as I go through this presentation you'll see the significant upgrades we're doing on the property and upgrades to the existing building which will really start bringing this southern gateway to Halfmoon into a more aesthetically appealing nature. The slide up on the screen is the existing conditions of the site, just to oriented everybody we are located on Route 9 and County Route 236, Crescent Commons Commercial Plaza its about 10 plus, minus square feet of retail space on the first floor and about 10, a little over 10,000 square feet of office space on the second floor. We also have the Fred the Butcher, butcher shop, we have an existing restaurant formerly known as the Romano's Restaurant to the north of that we have some vacant or underutilized single family house that runs on Route 236, we have a single family house on Plank road and we also have the Crescent Gardens senior housing mobile home park, all together bringing this community of about 12.3 acres of land. What we are proposing to do within this community is redevelop this land, particularly the existing Crescent Commons building, the retail office first floor, second floor. We are looking to completely renovate the second floor, convert that all into apartments and construct two more stories over the top of that building to create a four story building with three stories of apartments overtop of retail and then a small addition off the rear to ultimately end up with 60 apartment units, residential apartment units within this community. We're doing an expansion of the Fred the Butcher Store and then the Romano's restaurant will either be redeveloped as it's currently six or incorporate it into a C-1 zoning compliant use within that area. Same for the frontage on Rote 236. Land to the east and just to orient everybody in the room on this map, north is generally to the left, east it would be up. As we look to the east going out to plank road we acquired an additional piece of land, we're going to provide secondary means of access out through the rear of the parcel on Plank road. That section of the land will house a series of garages for the residential uses within the community. We're also looking to provide another point of access or egress from the

site on Route 236. Currently we have an existing curb cut on Route 9 , certainly we understand that during the holiday season that can get fairly busy, we do have some turning lanes from State Highway that come up that certainly add complexity to that . We did provide a traffic study back in 2009 when we did Fred the Butcher somewhere in that range, which looked at this site with the existing conditions around it. So again that's something that we are continuing to evolve on , we are proposing a contribution to the Town of about 33,000 dollars for comprehensive traffic study within the area or traffic improvements at the intersections of Route 236 and Route 9. So again major elements of the project are the 60 units of residential apartments, the 10,000 square foot of retail to be redeveloped in the first floor of the building. Expansion of Fred the Butcher, re-use or expansion of the old Romano's restaurant building. New commercial on Route 236, access, additional points of ingress, egress from the site to help alleviate some of the traffic congestion on the road network of US Route 9. If we go to the next slide this is one of the more impressive figures is the new building elevations that we are proposing. Definitely bringing this project into more of the modern area and a new urbanistic feel, where we have a walkable community, we have a mixed community where residents can live, work and play right where they live. So we have the walkable community which is something that coincides with all of the current planning principals and comprehensive plans for southern Halfmoon in this area. Again we are very excited about this project, we really think this is going to be a major facelift for the area. We were in front of the Town Board they referred us to the Planning Board, so we are looking to this Board for any recommendations that they may have, thank you.

**Don Roberts:** First of all this has to be referred to Saratoga County, the fire district and our Town engineer for review, okay Joel

**Joel Bianchi:** Okay

**Don Roberts:** That being said any questions by the Board?

**Tom Werner:** Yea I would recommend that a traffic impact analysis be performed because of its close proximity to the intersection of 236 and Route 9 and just to make sure everything is going to happen safe, we've got a lot of traffic, a lot of change in there in terms of, so I think a traffic impact analysis and then especially with what the Town is hopeful of planning up at the intersection there 236 and Guideboard with the roundabout.

**Don Roberts:** Tom your requesting the Town do a study right?

**Tom Werner:** Yes

**Don Roberts:** Okay, thank you, yes I think that's warranted, yes.

**Rich Berkowitz:** Is that a new roadway between 236 and the mobile home park, are those structures existing or are they 5 new structures?

**Joe Dannible:** So those 5 structures are approved, they have not been constructed yet, we have intentionally not constructed them because there may be some reconfiguration

**Rich Berkowitz:** So 4 out of the 5 are already there, they've been previously approved and their regardless of this project?

**Joe Dannible:** That's correct.

8/23/21

**Don Roberts:** Now you planning any buffering for those or what?

**Mike Klemkevicj:** Im Michael Klemkevicj MRK, yes there are 5 approved sites 4 of them are currently occupied. The one closest too route 9 is vacant, we left it vacant for this particular reason to re-develop it. Yes there will be fencing all the way across the back and plantings to buffer the sites.

**John Higgins:** It shows a private piece of property in the middle, what is that?

**Mike Klemkevicj:** That is a private owner, when one of the original owners of the mobile home park sold off outer parcels they sold off that parcel, that's an approved mobile home on that site.

**John Higgins:** Okay so they will have some kind of cross easement?

**Mike Klimkewicz:** It's already in place

**John Higgins:** It is in place.

**Mike Klimkewicz:** Its already in place for the mobile home, its part of the mobile home park.

**John Higgins:** And you're not changing any of the roadways internal to that that would affect that easement?

**Mike Klimkewicz:** Absolutely not, everything is staying the same within the park.

**John Higgins:** And down at Fred the Butcher it says, it's hard to read but I think it says that 8,000 square foot building now is that the existing restaurant Romano's?

**Mike Klimkewicz:** No the existing restaurant has 4,000 square feet on the operating floor and 2,000 square feet of storage below. The plan is Freds is looking for approximately 5,000 square feet added to their space, they would like the ability to expand in the future if further need requires and then the 8,000 square feet is essentially for the restaurant and any expansion there.

**John Higgins:** I didn't realize it was that close, I mean there is a roadway in between Freds and the restaurant.

**Mike Klimkewicz:** Right now there is, but if you extend the buildings out, yes that's, they would be closer.

**John Higgins:** Okay so you're not only going to extend Freds you also want to put an addition on the Romano's restaurant, am I correct on that?

**Mike Klimkewicz:** In the future we may yes, as of today no.

**John Higgins:** No, Im just trying to visualize, I knew there was a roadway in there, thank you.

**Rich Berkowitz:** Mike how would this be phased?

**Mike Klimkewicz:** First phase would be Romano's , well first phase is probably going to be Freds and then the apartments , the first section will be done, well and probably before all of that stuff starts , we will put the roadway out to Plank so that we have access so we don't put any undue burden on the front entrance. Actually before all of

8/23/21

that we'll be expanding the parking lot out to a pre-approved plans back in 09, we're going to expand the parking lot out to Route 9 so on either side of the existing monument sign that will be expanded. Also around the building will be expanded so that's the access.

**Rich Berkowitz:** And will the tenants remain in their current structures as you increase the size of the building?

**Mike Klimkewicz:** Correct they will be staying in place, all the tenants there are very happy and very successful.

**Don Roberts:** Once again how many apartments are you proposing?

**Mike Klimkewicz:** 60, 36 in the first section and 24 in the second, the rental office is going to be in the back and only accessible from the back, all the members of the apartment complex are going to be , they'll be given access from the back, not through the front.

**Don Roberts:** And you'll make sure all your parking, you're coming towards Route 9 , you'll make sure all of the parking remains on your private property , no right of way , you'll make sure its

**Mike Klimkewicz:** Well Im not sure I understand that.

**Tom Koval:** You're not going to utilize State right of way.

**Don Roberts:** State right of way, make sure you know how far you come out.

**Mike Klimkewicz:** That is correct that is already in place and we've got those plans approved when we first built Freds, and we've got land banked parking already in place, that's what we are going to do.

**Tom Werner:** Is there an opportunity for some landscaping along Route 9, kind of soften all of the parking?

**Joe Dannible:** Yea we're talking about parking within the right of way, currently in front of the Romano's building there is about 15 spaces that are currently paved and being utilized within the State right of way They've been there for 30, 40, 50 years, we're not proposing any changes to them, just continue to utilize them in its current plan as it exists today. When we do ,do the expansion on the south side of the entrance road where we already have plans approved for that as part of the initial Fred the Butcher re-development, some landscaping can be provided in that area to soften that up.

**Don Roberts:** I know one time those parking spots were under permit with DOT Im not sure if you still kept that permit up to date or not but they were years ago. You may want to look into that because you're not supposed to be using State property without a permit.

**Marcel Nadeau:** A question I have on the Route 236 exit, any chance of moving it further North swapping it because we know that coming around from that Route 9 towards going east or going towards Mechanicville is a hefty traffic in turn.

**Joe Dannible:** One of the problems we did look at moving this all the way up to the east side of the site which would be closer to alignment with McDonalds, we can't actually get it directly in alignment with McDonalds which unfortunately they'll be off -set by such an amount that its actually going to create turning movement conflicts if we don't have them aligned , so usually when you can't align them the State would have you separate

8/23/21

them a little more to not create turning movement and conflicts. But it is something that we can work with the Town when they develop this scope for a traffic impact study that can be analyzed and look to see if there is a better spot for that curb cut.

**John Higgins:** What are you envisioning for that building?

**Joe Dannible:** We are envisioning a C-1 compliant use

**John Higgins:** Okay so office, or retail?

**Joe Dannible:** Something to comply with C-1 , we don't have any tenants , when it has been up for lease for a while or offered for a lease for a while and we do come up with a use that will be provided.

**John Higgins:** What's there now, residence?

**Joe Dannible:** Yes

**John Higgins:** Okay thank you

**Mike Ziobrowski:** So that access drive between the, are those duplexes or double- wides what are those?

**Joe Dannible:** Those are double-wides

**Mike Ziobrowski:** Obviously not duplexes , and that roadway , that partial roadway right now it goes out to Plank and it's in that horseshoe or does it , it doesn't connect at this point in time, correct?

**Joe Dannible:** The road access

**Mike Ziobrowski:** The access to the double-wides, that finger.

**Joe Dannible:** That connects to Circle Drive and then both connect out, two different roads connect out to Plank.

**Mike Klimkewicz:** We don't anticipate traffic going through the park

**Mike Ziobrowski:** But that's kind of what Im getting at is that it looks like it will be connected but it will not be connected.

**Rich Berkowitz:** So how much commercial space is there presently?

**Mike Klemkevicj:** 10,000 square feet presently retail space

**Rich Berkowitz:** And after this is all finished how much?

**Mike Klimkewicz:** 10,000 sq. ft. of retail space

**Rich Berkowitz:** So there's no net gain of

**Mike Klimkewicz** Im sorry there is

**Joe Dannible:** So we will go over the numbers so if we look at the crescent commons building , that's the building we showed a nice elevation , its renovated , so that building currently is a little over 20,000 sq. ft. first floor being retail second story being office. When we convert that building we're taking all the offices out converting it to apartments so we are eliminating 10,000 sq. ft. of office in lieu of 60 apartments. I think when we look at the traffic impact study we're going to find that we may have a slight reduction in the amount of trips generated from that portion of the project going from office to residential. The remainder of the site currently Fred the Butcher is a little over 7,000 I think 7,200 sq. ft. and the Romano building between the first floor and the basement is around 8,000 sq. ft., 6,000 sq. ft. so that in total is 13,000 sq. ft. we're looking to bring that up to 5, and 8, is 13, and 7 about 20,000 sq. ft. So we are looking at an increase of about 7,000 sq. ft. of retail on that area of the site and then we're looking over on the 236 side probably a 3,000 sq. ft. building so

**Rich Berkowitz:** It's a negligible increase in retail size, we're mainly talking about residential increase, and it could also depend on what kind of retail you're bringing in

**Tom Koval:** Its negligible and their adding 2 more ingresses, egresses

**Rich Berkowitz:** That's what Im getting at and I know we need the traffic study but I don't, besides the residential will show an obvious increase but I don't think the commercial will. Dependent on what you bring forward into the new retail spaces

**Joe Dannible:** Correct, we anticipate a restaurant currently there is a sit down restaurant that's not occupied but was several years ago. There will be similar traffic generated to what it used to be , but I would agree there is not a big increase in commercial probably about the same just going to get rejuvenated , we're talking about increased traffic from 60 apartments which is going to be somewhere around 25 or 30 trips in the pm and am.

**Tom Koval:** So you are staggering your traffic times between going from more daytime business to more splitting it between daytime business and evening residents and sit down dining.

**Joe Dannible:** Correct and that also gives us the shared parking opportunity where some of the parking that is utilized at night by the residents won't be utilized by them in the day and the retail and the commercial spaces will be utilizing them during the day.

**Tom Koval:** And the building on 236 that you're proposing just obviously right now you have no ideas.

**Don Roberts:** Anyone else? Okay as I said we will refer this to our Town engineer MJ, the fire district and the Saratoga County Planning Board, okay thank you, thank you.

***Crescent Commons PDD– PDD Recommendation***

***TABLED/REFERRED TO AGENCIES. Board received a presentation on the proposed PDD at the existing Crescent Commons Plaza site, referred it to the necessary agencies d Town Engineer for review and requested the Town commission an independent traffic impact study.***

**Old Business:**

**21.152      Robert Subdivision & Lot Line Adjustment, 2 & 4 Lower Newtown Rd – Minor Subdivision**

8/23/21

**Wilma Roberts:** Hello Im Wilma Robert and we own 2, 6 and 8, we have no idea where 4 is haven't found it anywhere but anyway we own 2, 6 and 8

**Don Roberts:** It's a number problem that's all

**Wilma Roberts:** 2 is the front section and that little yellow squiggly stuff that's part of 8 and on the other side of the driveway is 8 we want to do a minor subdivision and separate that part that is on the east side of the driveway, combine that with 2 and then the owners in the back at 4 are going to acquire all of that property. We've not been able to build anything over there because there is no permanent building so the land really has not been of any use to us. We do utilize the wetlands on 8 a lot to walk through and stuff like that. So we are going to keep 6 and that part of 8 but separate that little part on the east side, does that make sense?

**Don Roberts:** That's it?

**Wilma Roberts:** Yes Sir.

**Don Roberts:** Okay thank you, comments by the Board?

**Rich Berkowitz:** I make a motion to set a public hearing for September 13<sup>th</sup>.

**John Higgins:** Im sorry Im somewhat familiar with the site down there, this is the property with the big green field next to it is that, am I correct? When you come up, coming up Lower Newtown you come over the railroad tracks, this is immediately on the left.

**Wilma Roberts:** Correct

**John Higgins:** Okay, there is a house there and then there is a building way in the back that you would come here you wanted to operate a business out of that a few years ago but it was denied am I talking about the right space?

**Wilma Roberts:** We bought about 15 months ago

**John Higgins:** Oh okay

**Wilma Roberts:** So 6 is multi use, and that has a warehouse that I guess the people that we bought from had a business at some point, we have it as single family housing.

**John Higgins:** The building in the back is not an approved warehouse that's what I'm trying to just make sure that no one is confused, the building in the back they came here years ago and wanted to operate some kind of a welding business or something in there, correct?

**Marcel Nadeau:** Correct, that's what they wanted to do

**John Higgins:** Right and that was denied, so you're going to keep the building in the back but you're selling the property in between, Im a little bit confused on what we are doing here.

**Richard Harris:** So if I could explain

8/23/21

**John Higgins:** Sure

**Richard Harris:** So this right here and this cross hatch are one lot right now, this cross hatch, this large piece with that narrow strip

**John Higgins:** Okay

**Richard Harris:** They own this separate lot right now, correct? They want to subdivide this off of this big piece, combine it with this and the lady sitting down owns this lot and is planning to buy this to consolidate their lot.

**John Higgins:** Okay so the whole thing is now going to be one piece?

**Richard Harris:** Yes

**Wilma Roberts:** Everything on the east side of the driveway

**Richard Harris:** Correct, this driveway ultimately will be part of this lot one piece right out to Lower Newtown

**John Higgins:** Okay, I was just a little confused of what's trying to be done, okay

**Wilma Roberts:** The house which is 6 up there that's the part that has the warehouse that we just use for storage.

*Someone in audience speaking-Inaudible*

**Wilma Roberts:** The other side of the driveway right there, that's 6 and the warehouse that you were talking about which is used for storage

**John Higgins:** Oh okay, like I said I was a little confused, well it's hard to look at a drawing like this but, thank you.

**Don Roberts:** Okay we have a motion for a public hearing on September 13<sup>th</sup>

**Mike Ziobrowski:** Ill second

**Don Roberts:** Okay we have a motion and a second for a public hearing at our next meeting, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you at the next meeting thank you.

***Robert Subdivision & Lot Line Adjustment – Minor Subdivision***

***PUBLIC HEARING SET. Board received a presentation requesting a Minor Subdivision (lot line adjustment) and set a Public Hearing for September 13, 2021.***

**21.093                      Restaurant (former Salty's Pub), 217 Guideboard Road (Country Dollar Plaza)**

**JT Pollard:** JT Pollard Reform Architecture, requesting approval of 5200 sq. ft. of restaurant bar in the former Salty's location, you referred us to the Zoning Board which we went to and they granted us permission to add the

8/23/21

patio and canopy with the one stipulation that we provide ballards along route 236 and we made that as part of our railing system so it would protect the patio.

**Don Roberts:** And it's going to be a Pub?

**JT Pollard:** It's a restaurant, restaurant

**Don Roberts:** Okay questions by the Board?

**Rich Berkowitz:** Is there any outdoor music on the patio?

**JT Pollard:** We talked about maybe some acoustic music up during happy hour times, no bands.

**Rich Berkowitz:** What time would that occur?

**Tim Trier:** Hi Im Tim Trier, we probably would have music just until 10 o'clock, 9 o'clock, and 10 o'clock something like that, there won't be full bands it would just be acoustical music.

**John Higgins:** There are residences right there

**Rich Berkowitz:** That's why Im asking

**John Higgins:** We have not allowed music, that outdoor music a number of places in Town because of the residences.

**Tim Trier:** Which is fine, we can easily put it inside or omit it all together

**Rich Berkowitz:** That's the only reason Im asking

**Tim Trier:** I mean honestly

**Rich Berkowitz:** If you had happy hour 5 to 7 I don't think it would be a problem but if you go past that, you might have.

**Tim Trier:** We don't plan on it , this is not an entertainment place , it's going to be more of a restaurant / bar, it would be just one person playing acoustical if it ever became an issue we would have no problem putting it inside , I mean we will pipe music on the outside and that wouldn't be too loud either.

**John Higgins:** You can't even pipe music on the outside that late, as I've said we've had several applicants in different places in Town that wanted to have music outside and

**Tim Trier:** This would just be overhead music and probably very light at that matter

**John Higgins:** Yea but again there are residences right there

8/23/21

**Lyn Murphy:** What they play on the radio is really not this Planning Boards purview. I understand you don't want residents being disturbed late into the night and I think these gentleman are agreeing that, that is not something that they plan on doing.

**Tom Koval:** There is one residential building behind this building to the left with a highway in front of it and a pizza place and a Chinese place and a suntan place, you're talking about, I understand you don't want to disturb the residents but I think we're reaching a little too far here.

**Rich Berkowitz:** I agree with that, and we do have a concert venue that is next to an apartment complex but I just don't want them doing it past 10 o'clock, 10, and 11 is fine

**Tom Koval:** When we start talking about radios with speakers now we are stretching it, because its , you're not going to blast the music so loud that the people eating at their table can't hear one another talk, it's not a heavy metal venue.

**John Higgins:** No but he was talking about live music piped outside

**Tom Koval:** Acoustic music

**John Higgins:** Okay well

**Tom Koval:** In a highly commercial area, highly commercial with one of the busiest intersections we have in our Town.

**John Higgins:** I'm not arguing that, a radio is one thing but all Im saying is you know

**Tom Koval:** Im not defending them but Im also saying we as a Board can't stop overstepping our bounds, and becoming the music gestapo, we don't have a noise ordinance in this Town so

**Don Roberts:** I think he'll be reasonable as far as the patio goes

**Tim Trier:** We're by no means looking to be an entertainment venue this is more of a restaurant /bar it will be closed by 11, 11:30 at the latest maybe midnight on Friday and Saturday.

**Tom Koval:** Let's limit the music to 9:30 live music.

**Paul Marlow:** I have one quick thing, the fire chief is online chatting with me, is there going to be fire pits or open flames or anything like that?

**Tim Trier:** No

**Paul Marlow:** Okay, thank you

**Tom Werner:** Has anybody checked the preliminary lay out of the proposed round about and any additional need for additional right of way taking on this approach?

**Don Roberts:** We have land on that side already

8/23/21

**Tom Koval:** It's about a hundred feet up the road

**Lyn Murphy:** We have all we need for the Salty's side.

**Tom Werner:** Even though they put a chicane in the road?

**Lyn Murphy:** I don't know what a chicane is but

**Tom Werner:** It's a curve, a curve to slow the traffic down naturally, I'm just, as long as someone has checked it, fine

**Lyn Murphy:** Yea they have, and this applicant doesn't own the property so there is nothing they could do anyway, they are leasing.

**Tom Werner:** Okay

**Rich Berkowitz:** So we are still going through the review process or are we ready to make a decision

**Don Roberts:** If everyone is satisfied

**Richard Harris:** Yes, we've got County, I have the variance, and Paul is there anything else from the Chief?

**Don Roberts:** Is the Chief all set?

**Paul Marlow:** Just he wanted to make sure there's no fire pits or temporary heating sources outside or anything like that, that's all.

**Mike Ziobrowski:** I think they went above and beyond with the bollards, I think they went above and beyond with the bollards.

**Rich Berkowitz:** The bollards are good, what type of fencing are you going to have?

**JT Pollard:** The bollards will be incorporated into the railing that goes around so we're actually just there is a, if you scroll up a little bit there is a design its incorporated so we, the bollards are 4ft 2 spacing and then we, what's not shown on this drawing, I provided a different drawing that isn't here, the bollards are imbedded in the ground 4 ft. and 18 inches of concrete so.

**Rich Berkowitz:** Are there any entrances or exits through the fencing?

**JT Pollard:** There is one gate

**Rich Berkowitz:** Into the parking lot not into the

**JT Pollard:** Yes

**Rich Berkowitz:** Okay

8/23/21

**Don Roberts:** Anyone else?

**Tom Koval:** I make a motion to approve with the condition that live acoustical music no later than 9:30 in the evening

**Rich Berkowitz:** Ill second

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, one more question, you have a name picked out?

**Tim Trier:** Not yet, we are getting close

**Don Roberts:** Whatever you do please advertise Halfmoon alright.

**Tim Trier:** We certainly will.

**Restaurant (former Salty's Pub) - (Country Dollar Plaza) – Site Plan**

**APPROVED. Board approved an application for a proposed patio expansion with a condition allowing acoustic music no later than 9:30PM.**

### **21.139 Creekview Estates – Phasing Plan, Upper Newtown Rd – Site Plan**

**Walt Lippman:** How's it going, Walt Lippman M.J Engineering here to represent the applicant John Paul Builders LLC. We were here at the August 9<sup>th</sup> meeting for the phasing plan , in red is phasing plan , phase I is 31 lots , they're 28 residential lots , 2 HMA Stormwater lots and the sewage pump station lot. Three comments that came up at the last meeting was Saratoga County referral was not in at that point yet, also Rich mentioned he was going to be speaking with the Fire Chief and then also the Highway Superintendent. So we haven't heard, Rich Im not sure if you have but?

**Richard Harris:** Yes the Highway Superintendent reviewed the plan and is satisfied with it, with the turnaround, how you had the cul-de-sac planned at the end. Fire Chief I think Paul you did hear back is that correct, today?

**Paul Marlow:** Yea and he is online listening right now he is going to take a look at things.

**Tony Bonaventure:** So my only question in talking to the commissioners, the other Fire Chiefs is, is there a length of time that it's going to be just a single ingress or is there like a set time that the second phase will start that we will get the second egress?

**Walt Lippman:** Yea I think that was something that was brought up that we spoke with Rich about possibly at a certain c/o in which that second egress would be constructed prior to

**Don Roberts:** 19 right Rich?

**Richard Harris:** Yea we did discuss Chief the Town code states that 19 c/o's , 19 residences or higher number require a second entrance, so we kicked around the idea of the Board considering a condition if they approve it that they can't get the 19<sup>th</sup> c/o until they put in the second entrance through phase II . My understanding and Walt

8/23/21

might be able to explain it better , but I think the way the developers moving they probably will have that phase II going and a second entrance most likely well before the 19<sup>th</sup> c/o but Walt if you are aware of that you could

**Walt Lippman:** There is no really plan to stop, so he is going to continue and that will mostly be prior to that 19<sup>th</sup> c/o

**Don Roberts:** So you agree, the second access will be in before the 19<sup>th</sup> c/o?

**Walt Lippman:** Correct

**Tony Bonaventure:** The only other question I had is the, if you follow the road all of the way down through the pink until you get to the blue where the turnaround is right there is it possible they can go about 70 feet even with gravel to make that more of a T so we can turn around down there if we wanted to?

**Walt Lippman:** Sure that shouldn't be a problem.

**Tony Bonaventure:** That's all, other than that I think the turnarounds are perfect, I appreciate it, thank you.

**Don Roberts:** Thank you Chief, anyone else?

**Mike Ziobrowski:** I would like to make a motion to approve the application of the phasing plan, with the condition that the second entrance be placed to the 20<sup>th</sup> c/o

**Tom Werner:** Ill second that.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

**Walt Lippman:** Thank you

**Don Roberts:** You're welcome

***Creekview Estates – Phasing Plan– Site Plan***

***APPROVED. Board approved a phasing plan for the development of the Creekview Estates subdivision, with the condition that second entrance must be constructed prior to the issuance of the 20<sup>th</sup> Certificate of Occupancy.***

**Mike Ziobrowski:** I make a motion to adjourn the meeting

**John Higgins:** Ill second.

**Don Roberts:** All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried. Thank you, good night.